

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

THE HARPAGON COMPANY, LLC,

Plaintiff,

v.

FXM, P.C.,

Defendant.

---

CIVIL ACTION FILE  
NO. 1:09-CV-1146-TWT

KEITH L. THOMPSON  
as Administrator of the Estate of  
Margo T. Thomas; and as Guardian for  
the minor children D.K.T. and E.A.T.,

Plaintiff,

v.

HEARTWOOD 11, LLC, et al.,

Defendants.

---

CIVIL ACTION FILE  
NO. 1:09-CV-1300-TWT

THE HARPAGON COMPANY, LLC  
a Georgia limited liability company,

Plaintiff,

v.

FRANCIS XAVIER MOORE, et al.,

Defendants.

---

CIVIL ACTION FILE  
NO. 1:09-CV-1319-TWT

## ORDER

These are three cases arising out of litigation involving the Harpagon Company and clients of Francis X. Moore and his law firm. The cases are before the Court on the Report and Recommendation [Doc. 21, 27, 35] of the Magistrate Judge recommending remanding all three cases to state court. For the reasons set forth in the thorough and well reasoned Report and Recommendation, these cases were not removable under 28 U.S.C. § 1443(1) or the other statutes relied upon by Moore. See Alabama v. Conley, 245 F.3d 1292 (11<sup>th</sup> Cir. 2001). The Court approves and adopts the Report and Recommendation of the Magistrate Judge as the judgment of the Court. Case Number 1:09cv1300 is remanded to the Superior Court of Clayton County and the Harpagon Company, LLC is awarded \$2,800 in attorney's fees. Case Numbers 1:09cv1149 and 1:09cv1319 are remanded to the Superior Court of Fulton County with no award of attorney's fees.

SO ORDERED, this 31 day of August, 2009.

/s/Thomas W. Thrash  
THOMAS W. THRASH, JR.  
United States District Judge